



General Assembly

Amendment

January Session, 2021

LCO No. 8878



Offered by:

REP. FISHBEIN, 90th Dist.

REP. LANOUE, 45th Dist.

To: Senate Bill No. 835

File No. 38

Cal. No. 453

**"AN ACT CONCERNING DECEPTIVE ADVERTISING PRACTICES
OF LIMITED SERVICES PREGNANCY CENTERS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2021*) As used in this section and
4 sections 2 and 3 of this act:

5 (1) "Abortion" means the termination of a pregnancy for purposes
6 other than producing a live birth. "Abortion" includes, but is not limited
7 to, a termination of a pregnancy using pharmacological agents;

8 (2) "Client" means an individual who is inquiring about or seeking
9 services at a pregnancy services center;

10 (3) "Clinical laboratory services" means the microbiological,
11 serological, chemical, hematological, biophysical, cytological or
12 pathological examination of materials derived from the human body for
13 the purpose of obtaining information for the diagnosis, prevention or

14 treatment of disease or the assessment of a health condition;

15 (4) "Emergency contraception" means one or more prescription drugs
16 (A) used separately or in combination for the purpose of preventing
17 pregnancy, (B) administered to or self-administered by a patient within
18 a medically recommended amount of time after sexual intercourse, (C)
19 dispensed for such purpose in accordance with professional standards
20 of practice, and (D) determined by the United States Food and Drug
21 Administration to be safe for such purpose;

22 (5) "Health information" means any oral or written information in any
23 form or medium that relates to health insurance or the past, present or
24 future physical or mental health or condition of a client;

25 (6) "Licensed health care provider" means a person licensed under the
26 provisions of federal or state law to provide health care or other medical
27 services;

28 (7) "Pregnancy-related service" means any medical or health
29 counseling service related to pregnancy or pregnancy prevention,
30 including, but not limited to, contraception and contraceptive
31 counseling, pregnancy testing, pregnancy diagnosis, pregnancy options
32 counseling, obstetric ultrasound, obstetric sonogram and prenatal care;

33 (8) "Pregnancy services center" means a facility, including a mobile
34 facility, the primary purpose of which is to provide services to clients
35 who are or may be pregnant, whether or not such facility provides
36 referrals to clients for abortions or emergency contraception, and that
37 either (A) offers obstetric ultrasounds, obstetric sonograms, pregnancy
38 testing or diagnosis or prenatal care to pregnant clients, or (B) has the
39 appearance of a medical facility by virtue of having two or more of the
40 following factors present: (i) Staff or volunteers who wear medical attire
41 and uniforms; (ii) one or more examination tables; (iii) a private or
42 semiprivate room or area containing medical supplies or medical
43 instruments; (iv) staff or volunteers who collect health information from
44 clients; or (v) the facility is located on the same premises as a licensed
45 health care facility or licensed health care provider or shares facility

46 space with a licensed health care provider;

47 (9) "Premises" means land and improvements or appurtenances or
48 any part thereof;

49 (10) "Prenatal care" means services consisting of a physical
50 examination, pelvic examination or clinical laboratory services
51 provided to a client during pregnancy; and

52 (11) "Commissioner" means the Commissioner of Consumer
53 Protection.

54 Sec. 2. (NEW) (*Effective July 1, 2021*) No pregnancy services center
55 shall make or disseminate, or cause to be made or disseminated, in any
56 newspaper or other publication, through any advertising device, or in
57 any other manner, including, but not limited to, through use of the
58 Internet, any statement concerning any service or the provision of any
59 pregnancy-related service (1) that is false, misleading or deceptive or
60 that a pregnancy services center reasonably should know to be explicitly
61 or implicitly false, misleading or deceptive, or (2) with the intent not to
62 perform such service or pregnancy-related service as advertised.

63 Sec. 3. (NEW) (*Effective July 1, 2021*) (a) The Department of Consumer
64 Protection, upon a written, verified complaint of any person concerning
65 a violation of any provision of section 2 of this act, may investigate such
66 complaint. Upon a determination by the commissioner that a pregnancy
67 services center has violated a provision of section 2 of this act, the
68 commissioner may require a pregnancy services center to take whatever
69 remedial steps the commissioner deems necessary to correct the effects
70 of the false, misleading or deceptive advertising and to prevent further
71 harm from occurring. Such steps may include requiring the pregnancy
72 services center to:

73 (1) Pay for and disseminate appropriate corrective advertising in the
74 same form and using the same advertising device as used in the false,
75 misleading, or deceptive advertising;

76 (2) Post a remedial notice that corrects the effects of the false,
 77 misleading or deceptive advertising for clients entering the facility that
 78 may have seen the original false, misleading or deceptive
 79 advertisements, but have not seen any subsequent corrective
 80 advertisements required under subdivision (1) of this subsection; or

81 (3) Provide such other relief as the commissioner deems necessary to
 82 remedy the adverse effects of the false, misleading or deceptive
 83 advertising on any clients seeking services, including, but not limited to,
 84 pregnancy-related services.

85 (b) Prior to requiring corrective remedial action or issuing a civil
 86 penalty under this section, the commissioner shall give notice and afford
 87 an opportunity for a hearing in accordance with chapter 54 of the
 88 general statutes.

89 (c) Upon a finding by the commissioner that a pregnancy services
 90 center has violated any provision of section 2 of this act, the state shall
 91 be entitled to recover civil penalties of not less than fifty dollars and not
 92 more than five hundred dollars per violation.

93 (d) Nothing in this section shall be construed as a limitation upon the
 94 power or authority of the state or any political subdivision thereof to
 95 seek any administrative, legal or equitable relief permitted by law.

96 (e) Any pregnancy services center aggrieved by any decision or order
 97 made or issued by the commissioner under this section may appeal such
 98 order or decision in accordance with section 4-183 of the general
 99 statutes."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	New section
Sec. 2	<i>July 1, 2021</i>	New section
Sec. 3	<i>July 1, 2021</i>	New section